IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.813 OF 2004

Shri Shamlal Ramnath Lahoti ..Petitioner

Vs.

The Commissioner & Others ..Respondents

Mr.R.D.Suryawanshi for the petitioner

Mrs.S.D.Shinde, A.P.P. for the state

CORAM : J.N.PATEL &
SMT.ROSHAN S.DALVI, JJ.

DATED : 19TH AUGUST, 2006

P.C.:

1. Heard.

2. The learned counsel for the petitioner submits that the petitioner does not want to prosecute the petition but seeks liberty to make a fresh application seeking sanction from the Municipal Commissioner i.e. respondent no.1 for prosecuting the employees of the then Municipal Council, some of whom have retired and in respect of others who are still in employment.

3. In so far as employees who have retired,

there is no need to obtain sanction under section 197 of the Cr.P.C. Therefore, if the petitioner files an application for obtaining sanction to prosecute the employees of the Corporation, the respondent no.1 would consider the application on its own merits without being influenced by the fact that the petitioner has lodged a private complaint in the court of J.M.F.C., Bhiwandi on the basis of material placed before him and take a decision in the matter as expeditiously as possible.

4. The learned counsel for the petitioner submits that he would make a fresh application for obtaining sanction within a period of two weeks. On such application being made, it may be disposed of within a period of 6 weeks from the date of filing of the application.

5. With the aforesaid direction, we permit the petitioner to withdraw this petition with liberty to file a fresh application before respondent no.1. Petition is dismissed as withdrawn.

(SHRI J.N. PATEL, J)

(SMT.ROSHAN DALVI, J)